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COMMISSION ON HUMAN RIGHTS
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Agenda item 19

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Brazil, Colombia, Costa Rica, Ecuador, Mexico, Norway*, Peru, Spain*, Uruguay, Venezuela: draft resolution

Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms, even under exceptional circumstances,

Recalling its resolution 1993/88 of 10 March 1993,

Taking into account Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1993/16 of 20 August 1993,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Having considered the reports of the Special Rapporteur on the question of torture (E/CN.4/1994/31), the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26) and the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7),

Having considered also the report of the independent expert Mrs. Monica Pinto (E/CN.4/1994/10), and studied the conclusions and recommendations contained therein,

Welcoming the mobilization of the people of Guatemala, which has made possible the restoration of the constitutional order and the rule of law following the events of 25 May 1993, and which has led to the appointment as constitutional President of the Republic of Mr. Ramiro de León Carpio, whose work as Human Rights Procurator has been widely recognized by Guatemalan society,

Taking into account the fact that the continuation of the internal armed conflict is a factor affecting the human rights situation in Guatemala,

Taking note of the legal and institutional reforms introduced by the Government with a view to combating impunity and guaranteeing the full enjoyment of human rights and fundamental freedoms for everyone in Guatemala,

Concerned by the fact that there continue to be human rights violations attributed to members of the armed forces and security forces, and to the so-called voluntary civil self-defence committees,

Concerned also by the fact that situations of impunity continue to exist and that in cases of human rights violations there has been little progress in the investigations and/or judicial proceedings,

Concerned further at the situation of the displaced population in the areas affected by the internal armed conflict, especially in the so-called communities in resistance,

Regretting the serious human rights violations and marginalization that have been suffered by the indigenous populations in Guatemala,

Considering that the economic and social situation continues to have serious consequences, particularly for the indigenous populations and for the most vulnerable sectors of Guatemalan society, such as women and children,

Taking note with satisfaction of the process of repatriation of refugees that was initiated at the beginning of 1993,

Taking note also of the Framework Agreement for the resumption of the peace negotiations between the Government of Guatemala and Unidad Revolucionaria Nacional Guatemalteca, signed in Mexico City on 10 January 1994,

Expressing the hope that the will shown by the Government and by Unidad Revolucionaria Nacional Guatemalteca will lead to a prompt settlement of the internal armed conflict and will contribute to the establishment of firm and lasting peace, through the conclusion of the negotiations in the near future, including the signing of the human rights agreement, with international verification within the time-limits and on the terms agreed on by the parties, an agreement whose realization will contribute to full respect for the human rights of the whole of the Guatemalan people,

Recognizing the importance of the role that will be played by the representative of the Secretary-General as mediator in these negotiations, and of the participation of the Group of Friendly Countries composed of Colombia, Mexico, Norway, Spain, United States of America and Venezuela, and of civil society, on the terms established in the Framework Agreement,

Considering that it is necessary for the international community to continue to keep the human rights situation in Guatemala under review and to provide advisory services in the field of human rights, with the aim of promoting full respect for human rights and fundamental freedoms and supporting the efforts of the Government of Guatemala to that end,

1. Takes note with appreciation of the report submitted by the independent expert;

2. Expresses its gratitude to the Government of Guatemala for the facilities and cooperation afforded to the independent expert;

3. Recognizes the efforts made by President Ramiro de León Carpio and urges him to continue to adopt the necessary urgent measures to consolidate the democratic institutions and to promote and protect human rights and fundamental freedoms;

4. Regrets that the undertaking by the Government of Guatemala to guarantee full enjoyment of human rights and fundamental freedoms has not yet assumed practical form through a more significant improvement, since serious

violations of human rights continue to occur, particularly threats and intimidation and crimes against the lives and physical integrity of individuals;

5. Urges both parties to respect the applicable rules of international humanitarian law in the internal armed conflict and to refrain from any activities that may endanger the rights of the great majority of Guatemalans, who are not involved in this conflict;

6. Exhorts the Government of Guatemala to adopt the necessary legal and political measures to guarantee the independence of the Judiciary and respect for its decisions, to intensify investigations aimed at identifying and bringing to justice all those responsible for violations of human rights, to provide compensation for the victims of such violations, to ensure that the judicial system can operate with due protection being afforded to judges, investigators, witnesses and relatives of victims, and to facilitate the activities of organizations, both official and non-governmental, concerned with the promotion and protection of human rights;

7. Again exhorts the Government of Guatemala to continue to apply the independent expert's recommendations, such as the abolition of the system of voluntary civil self-defence committees, starting in those areas in which there is no armed conflict and in accordance with the criteria established in the peace negotiations, and also exhorts it to promote the approval by Congress of the new law regulating the performance of military service and eliminating arbitrary recruitment practices;

8. Again appeals to the Government of Guatemala to intensify its efforts to ensure that all its authorities and the armed forces and security forces fully respect the human rights and fundamental freedoms of the Guatemalan people, and encourages it to include in the curricula and training programmes for personnel of the armed forces and security forces the constitutional provisions and the international commitments undertaken by the Government of Guatemala in the field of human rights;

9. Again exhorts the Government of Guatemala to expedite and develop legal and institutional reforms to put an end to the violence and impunity, paying particular attention to the implementation of the legal standards

guaranteeing the rights and freedoms of the indigenous peoples and the most vulnerable sectors of the population, including street children;

10. Expresses its conviction that the pre-eminence of civilian authority in the national decision-making process is an indispensable

condition for the consolidation of the rule of law and the full realization of human rights, since it enables all sectors of Guatemalan society to support and respect civilian authority;

11. Recognizes the positive work done in defence of human rights by the Human Rights Procurator and exhorts the Government to give him support and to guarantee the conditions for the strengthening of his activities, inter alia, through the adoption of legislative measures to enable him to participate in proceedings relating to human rights violations;

12. Encourages the Government of Guatemala to provide the requisite facilities and adopt the necessary measures to ensure that the Presidential Commission on Human Rights (COPREDEH) is the focal point for the coordination of the Government's efforts to comply with its international obligations in the field of human rights;

13. Exhorts the Government of Guatemala to promote concrete activities that will enable the population to attain better living standards, giving priority to the economic and social development programmes, and to strengthen policies and programmes concerning Guatemala's indigenous population, taking into account their proposals and aspirations, together with the independent expert's recommendations on the subject;

14. Encourages continuation of the refugee repatriation process, appeals to the competent authorities to ensure that this process continues with full consideration for the well-being and dignity of all affected persons, providing the necessary facilities for their prompt resettlement in their places of origin, and urges the parties concerned to comply strictly with the agreements reached on the subject since October 1992;

15. Urges the Government of Guatemala to assist the civilian population displaced by the internal armed conflict and to help them to form their communities;

16. Also urges the Government of Guatemala to consider the earliest possible ratification of the international human rights instruments to which it is not yet a party, in particular the International Labour Organisation's Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries;

17. Takes note with satisfaction of the Framework Agreement for the resumption of the peace negotiations between the Government of Guatemala and Unidad Revolucionaria Nacional Guatemalteca, signed on 10 January 1994, and pays tribute to the work of the representative of the Secretary-General as mediator and the efforts of the Group of Friendly Countries to advance the peace process;

18. Expresses the hope that the negotiations under way in Mexico City between the Government of Guatemala and Unidad Revolucionaria Nacional Guatemalteca will lead to the signing of a firm and lasting peace agreement in 1994;

19. Urges both parties, as part of this process, to reach substantive agreements on all items on the agenda, and to conclude and implement without delay the human rights agreement, with the corresponding machinery for international verification;

20. Requests the Secretary-General to continue to provide the Government of Guatemala and non-governmental organizations with advisory services in the field of human rights;

21. Also requests the Secretary-General to extend the mandate of the independent expert so that she may continue to examine the situation of human rights in Guatemala, provide assistance to the Government in the field of human rights, and submit to the Commission at its fifty-first session a report assessing the measures taken by the Government in accordance with the recommendations made to it;

22. Decides to consider the question at its fifty-first session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories" or the item "Advisory services in the field of human rights", in the light of the adoption and application of specific and

significant measures by the Government, the effectiveness of which will be assessed in the report of the independent expert on the situation of human rights in Guatemala.